

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re reissue application of:

Douglas Ross CARDY, *et al.*

Patent No. 6,041,109

Reissue Not yet assigned

Appln. No.:

Filed: December 19, 2000

Art Unit: Not yet assigned

Examiner: Not yet assigned

Atty. Docket: CCK94028

For: Telecommunications System Having
Separate Switch Intelligence and
Switch Fabric

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OFFICE OF PETITIONS

Petition Pursuant to 37 C.F.R. § 1.47(a)

Commissioner for Patents

Washington, DC 20231

Sir:

Pursuant to 37 C.F.R. § 1.47(a), Applicants hereby petition for the Commissioner to accept and proceed with the above-referenced reissue application without declarations from inventors Carol Waller and Ken Rambo, who have effectively refused to join in the present reissue application. Mr. Rambo has refused to join the application because he is now employed by Qwest Communications, which is a competitor of MCIC Communication (MCIC), the assignee of U.S. Patent No. 6,041,109. Ms. Waller likewise is a former employee of MCIC. Ms Waller has effectively refused to join the application because she is too busy to review the materials in detail and discuss the same with counsel for MCIC.

As stated in the accompanying declaration of Timothy R. DeWitt, the undersigned counsel telephoned Mr. Rambo in his office at Qwest Communications in Denver, Colorado. Counsel advised Mr. Rambo that MCIC desired to file a reissue application and discussed with

Mr. Rambo whether he could join in the application given his employment at a competitor. Mr. Rambo confirmed to the undersigned counsel that he was employed at Qwest communications, that he had a conflict of interest, and would not join in the reissue application.

Counsel believes Mr. Rambo's last known address to be as follows:

Ken Rambo
170 Sunlight Dr.
Grand Junction, CO 81503

From early October, 2001, into mid-January, 2002, the undersigned counsel and an in-house patent agent for MCIC repeatedly contacted Ms. Waller in an effort to have her join in this application. The accompanying declarations of Timothy DeWitt and Frank McKiel, Jr. outline these contacts. Ms. Waller indicated on several occasions during that time period that she would work with counsel in preparing the reissue but ultimately was unable to do so because of her schedule. Counsel for MCIC did at one point discuss a set of draft reissue claims with Ms. Waller and revised such claims in an effort to accommodate Ms. Waller's comments. Counsel provided a copy of such revised claims to Ms. Waller and repeatedly attempted to elicit Ms. Waller's comments respecting those claims, but again due to Ms. Waller's busy schedule, failed to do so.

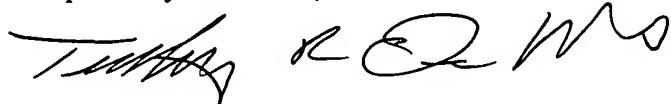
Counsel believes Ms. Waller's last known address to be as follows:

302 S. Malone Road
Allen, Texas 75002.

Given Ms. Waller's failure to provide substantive comments on the revised draft reissue claims, counsel for MCIC provided a copy of those revised draft reissue claims to Douglas Cardy, a co-inventor on the '109 patent. Mr. Cardy approved those claims and executed the declaration filed with this reissue application.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency,
including fees due under 37 C.F.R. §§ 1.16, 1.17 and 1.21, or credit any overpayment, to our
Deposit Account No. 01-2510.

Respectfully submitted,



Timothy R. DeWitt (Reg. No. 35,857)

Date: January 24, 2002

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